

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

PERRY LESLIE BOWMAN,

Plaintiff,

v.

JON E. LITSCHER, et al.

Defendants.

ORDER

Case No. 18-cv-61-wmc

Plaintiff Perry Leslie Bowman, a prisoner in the custody of the Wisconsin Department of Corrections, has submitted a proposed civil action under 42 U.S.C. § 1983. Plaintiff has filed a certified copy of a trust fund account statement in support of the motion for leave to proceed without prepaying the fee.

First, the court must determine whether plaintiff qualifies for indigent status and, if so, calculate an initial partial payment of the filing fee for this case. 28 U.S.C. § 1915 mandates the calculation of fees prisoners must pay for filing federal lawsuits and appeals. According to this formula, a prisoner litigant must prepay 20% of the greater of the average monthly balance or the average monthly deposits made to his prison account in the six-month period immediately preceding the filing of the complaint. In this case, 20% of the average monthly balance is \$1,495.84, and 20% of the average monthly deposits made to his account is \$12.94. Because the greater of the two amounts is 20% of the average monthly balance, or \$1,495.84, plaintiff does not qualify as indigent and is responsible for paying the full \$400.00 filing fee.

ORDER

IT IS ORDERED that,

1. Plaintiff Perry Leslie Bowman's petition for leave to proceed without prepayment of the filing fee is DENIED.

2. Plaintiff must pay the \$400 filing fee no later than February 23, 2018. If, by February 23, 2018, plaintiff fails to make the \$400 filing fee payment or show cause for failure to do so, plaintiff will be held to have withdrawn this action voluntarily and the case will be closed without prejudice to plaintiff filing this case at a later date.

3. No further action will be taken in this case until the clerk's office receives plaintiff's filing fee as directed above and the court has screened the complaint as required by the Prisoner Litigation Reform Act, 28 U.S.C. § 1915A. Once the screening process is complete, a separate order will issue.

Entered this 1st day of February 2018.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge